

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

**JUN 24 2013**

**JAMES W. McCORMACK, CLERK**  
By: SWS  
DEP CLERK

**IDA PATTON**

**PLAINTIFF**

**V.**

**CASE NO.: 4:13 cv 372 Jmm**

**ISLE OF CAPRI CASINOS, INC.**

**DEFENDANT**

---

**COMPLAINT**

---

Comes now Plaintiff, Ida Patton, by and through her attorney, Alvin L. Simes, P.A., with her cause of action against the Defendant Isle of Capri Casinos Inc., states:

I. This case assigned to District Judge Monck  
and to Magistrate Judge Heartsong

That the Plaintiff Ida Patton resides at 610 Mann Street, Forrest City, Arkansas 72335. That the Plaintiff is a resident of the County of St. Francis and State of Arkansas. That the Defendant Isle of Capri Casino Inc., operates a casino located at 777 Isle of Capri Pkwy Lula, Mississippi 38644. That Isle of Capri Casinos Inc., principal place of business is 600 Emerson Road, Suite 300, St. Louis, Missouri 63141. That the Defendant, Isle of Capri Casinos Inc., is a resident of the County of Coahoma and State of Arkansas. That the Plaintiff, Ida Patton and the Defendant, Isle of Capri Casinos Inc., are completely diverse in United States Citizenship.

**II.**

That on June 29, 2010, the Plaintiff acquired the legal status of business invitee upon the Defendant's Isle of Capri Casinos Inc., property. That the Defendant, Isle of

Capri Casinos Inc., is open for public business within Lula Coahoma County, Mississippi. That the Defendant, Isle of Capri Casinos Inc., provides food services, entertainment and casino games for the public. That business invitees must pay reasonable compensation for food, entertainment and gambling services. That the Plaintiff, Ida Patton, was a business invitee on June 29, 2010. That at said time and place the Plaintiff walked up to the restaurant food bar to obtain food. That the Defendants food bar is self service. That while walking along the Defendants food bar the Plaintiff slipped on food spillage, fell to floor, and injured her left knee and lower back. That the Defendants knew or should have known that food spillage was on the floor and that it created a danger for business patrons including the Plaintiff.

### III.

That because of the Defendant, Isle of Capri Casinos Inc., failure to place or put out adequate warning signs or remove the food spillage as a precautionary measure. That the Plaintiff sustained serious injuries to her lower back and left knee. The Defendant, Isle of Capri Casinos Inc., knew or should have known of the danger created by the food spillage on the floor, near the food bar, and should have taken reasonable steps to maintain the premises in a safe condition.

As a business invitee upon the Defendant's property, the Defendant owed the Plaintiff the following duty. In this case, Plaintiff, Ida Patton, was a business invitee upon the premises of Isle of Capri Casinos Inc.,. The Defendant owed Plaintiff a duty to use ordinary care to maintain the premises in a reasonably safe condition. In this case, the Defendant breached the legal duty owed to the Plaintiff. A possessor of land owes a duty to a business invitee to use ordinary care to protect her/him, not only from

dangers of which the possessor knows, but also against those which, with reasonable care, he might discover.

**IV.**

That the Plaintiff sustained multiple injuries to her lower back and left knee. That the Defendant Isle of Capri Casinos Inc., owed a duty of care toward the Plaintiff and other guests within the area of foreseeable danger. That the Defendant Isle of Capri Casinos Inc., was careless and negligent as follows:

- a. Failure to keep their property safe, i.e., food bar in the cafeteria area, for their business invitees and guests;
- b. Failure to maintain their property, i.e., food bar in the cafeteria area, in a safe condition on the behalf of their business invitees and guests;
- c. Failure to otherwise warn the Plaintiff and other business invitees of the dangerous and accumulation of food spillage near and around the restaurants food bar;
- d. Failure to clean up food spillage on the floor and in the aisles , and take other safety precautions to prevent injury or harm to the Plaintiff and other business invitees;
- e. Failure to place and or put out proper and adequate safety warning signs;
- f. Failure to act reasonable under the circumstances;
- g. Creating a dangerous condition upon the Defendant's property; and
- h Failure to exercise ordinary care under the existing dangerous conditions.

The aforesaid acts of negligence on the part of that Defendant Isle of Capri Casinos Inc., proximately caused the injuries of the Plaintiff, Ida Patton.

**V.**

That as a direct and proximate result of the Defendant, Isle of Capri Casinos Inc., negligence, the Plaintiff has suffered serious injuries. The Plaintiff has suffered serious injuries, great physical pain and suffering; and that said negligence and resulting injuries were the cause and/or proximate cause of this incident. That the Plaintiff suffered and sustained a permanent injury to her knee and lower back as a result of the fall she sustained upon the Defendant, Isle of Capri Casinos Inc., property.

That the Plaintiff further seeks reasonable compensation for past, present and future pain and suffering. Further the Plaintiff seeks reasonable compensation for past, present and future mental anguish and emotional distress. That the Plaintiff has incurred numerous medical bills from Methodist LeBonheur Hospital, Campbell Clinic, Jordan Internal Medicine, East Arkansas Physical Therapy, Chesapeake General Hospital, Dr. Dale P. Cunningham, Dr. Phillip R. Bowden, Dr. Jesse E. McGee. That the Plaintiff has unspecified medical bills.

**VI.**

That the Plaintiff has had surgery on both her left knee and lower back. That as a result of the injuries sustained as a result of the Defendant, Isle of Capri Casinos Inc., negligence the Plaintiff has permanent injuries. That because of the nature, extent, duration and permanency of the Plaintiff's injuries the Plaintiff is unable to work. That the Plaintiff seeks reasonable compensation for past, present and future loss of income. That the Plaintiff also seeks reasonable compensation as a result of the permanent injuries she sustained as a result of the Defendant, Isle of Capri Casinos

Inc., negligence. That Plaintiffs damages exceed the federal statutory limits of \$100,000.00. The Plaintiff has unspecified medical expenses, has endured two (2) surgical procedures, due to a disc injury in Plaintiff's lower back. In addition, the Plaintiff has had left knee surgery.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that she have and recover a judgment against the Defendant, Isle of Capri Casinos Inc., for unspecified damages for past, present and future pain and suffering, past, present and future mental anguish and emotional distress, together with her costs expended and all other just and proper relief to which she may be entitled. That the Plaintiff seeks unspecified damages for any and all permanent impairment. Further, Plaintiff seeks all other pecuniary damages set forth by Arkansas Law, including medical bills. In addition, Plaintiff seeks all out of pocket expenses incurred as a result of her medical treatment and care due to the negligence of the Defendant. In addition, the Plaintiff reserve the right to amend her Complaint. Finally, Plaintiff requests a trial by jury.

Respectfully Submitted ,

Alvin L. Simes (89-188)  
Attorney at Law  
P.O. Box 1248  
Forrest City, AR 72335

By :

A handwritten signature in black ink, appearing to read "Alvin L. Simes", written over a horizontal line.